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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**United States of America,**

Plaintiff,

vs.

**Kelvin Atkinson,**

Defendant.

2:19-cr-00055-JCM-CWH

**Government's Motion for Leave to File a  
Supplemental Response to Defendant's  
Emergency Motion to Modify Sentence  
along with its Status Report Regarding  
Defendant's Request for Home Confinement**

On April 10, 2020, the Court deferred ruling on Atkinson's motion to modify his sentence to home confinement, giving the Bureau of Prisons (BOP) until April 13, 2020, to respond to defendant Atkinson's administrative request for home confinement. ECF No. 55. In its response to defendant's sealed motion to modify his sentence, the government did not address the substance of defendant's motion believing that the applicable statute and case law required defendant to exhaust his administrative remedies before filing his motion with the Court. The government requests leave to file a supplemental response addressing points of law regarding jurisdiction and facts and law addressing the substance of defendant's

1 motion. The supplemental response will be filed under seal immediately after this motion is  
2 filed.

3  
4 **DATED** this 13<sup>th</sup> day of April, 2020.

5 Respectfully submitted,

6 NICHOLAS A. TRUTANICH  
7 United States Attorney

8 /s/ Daniel R. Schiess  
9 DANIEL R. SCHIESS  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on April 13, 2020, I electronically filed the **Government's Motion for Leave to File a Supplemental Response to Defendant's Emergency Motion to Modify Sentence along with its Status Report Regarding Defendant's Request for Home Confinement** with the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system.

*s/ Daniel R. Schiess*  
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